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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,459	08/27/2003	Terumasa Suyama	2842.18US01	5781
7590	02/01/2006			
Douglas J. Christensen, Esq. Patterson, Thuente, Skaar & Christensen, P.A. 4800 IDS Center 80 South Eighth Street Minneapolis, MN 55402-2100			EXAMINER RUTLAND WALLIS, MICHAEL	
			ART UNIT 2835	PAPER NUMBER
DATE MAILED: 02/01/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/649,459	SUYAMA ET AL.
	Examiner	Art Unit
	Michael Rutland-Wallis	2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 August 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/17/04
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Objections***

Claim 6 recites the limitation "the individual identification device" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4,5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walter (U.S. Pat. No. 6,275,141).

With respect to claims 1 and 7 Walter teaches an electronic key system (item 100) for use in a vehicle (column 3 lines 5-32) having an accessory (such as the glove compartment cellular phone or trunk), the electronic key system comprising: a electronic key (Fig. 2); a control unit (item 116) arranged in the vehicle to perform wireless communication (received through antenna item 112) with the electronic key; an input device (item 114) arranged the vehicle to input identification information. Walter teaches receiving signals from a transmitter to unlock/lock the truck for example and further

teaches in column 8 lines 8-13 the signal may be automatically changed to even further enhance security. While this operation is performed in the processing unit of Walter one of ordinary skill in the art would clearly recognize Walter contains appropriate circuitry and or software to properly verify the signal transmitted. Walter provides a teaching of (column 5 line 59 – column 6 line 47) generating restriction output to accessories when the input identification information matches the pre-registered identification information, while this operation is performed within the processing unit in Walter and not in a separate restriction information generation device one of ordinary skill in the art at the time of the invention could realize the internal operation of the processing unit of Walter in a separate device in order to reduce the complexity and cost of the processing unit. Walter teaches a second verification device (as applicant submit the smart ECU also functions as a second verification device page 16 lines 17-20 of the specification Walter also uses item a processing unit see column 21 where Walter teaches the use of a secret number transmission and verification) arranged in the control unit (item 116) and storing reference specific code, wherein the second verification device compares specific code registered in the electronic key with the reference specific code; and a restriction control device (as applicant submit the smart ECU also functions as a restriction control device page 16 lines 20-25 of the specification Walter also uses item a processing unit item 116 in a similar fashion to generate output signals designated A and B see in Fig. 1 further see column 5 line 59 – column 6 line 47) for restricting the operation designated by the operation restriction information when the specific code matches the reference specific code.

With respect to claim 4 Walter teaches the electronic key system includes a master key (see Fig. 2 when the connector is inserted into the receptor) and a sub-key (see Fig. 2 when the connector is not inserted into the receptor), which is used in lieu of the master key.

With respect to claim 5 and 6 Walter teaches the sub key would generate restricted mode outputs the system would be in restricted access mode when the user is using the sub key, further Walter teaches a processor and transmitter are located on the remote control (column 5 lines 43-45) or positioned in another location. It is therefore suggested by Walter the location of the processing unit and therefore the restriction information device and verification device to be on the or in the vehicle is merely a choice of convenience.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walter (U.S. Pat. No. 6,275,141) in view of Nagao et al. (U.S. Pat. No. 6,376,930)

Walter does not teach the pre-registered identification information is an pre-registered distinctive bodily feature, and wherein the first verification device compares the distinctive bodily feature detected by the individual identification device with the pre-registered distinctive bodily feature to determine whether the detected distinctive bodily feature matches the pre-registered distinctive bodily feature. Nagao teaches the identification and recognition of fingerprint information which is seen a distinctive bodily feature. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Walter to include the use of biometric data or distinctive bodily feature in order to further enhance security.

Claims 8-9 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walter (U.S. Pat. No. 6,275,141) in view of Papp (U.S. Pat. No. 6,980,086)

With respect to claims 8 and 12 Walter teaches an electronic key system (item 100) for use in a vehicle (column 3 lines 5-32) having an accessory (such as the glove compartment cellular phone or trunk), the electronic key system comprising: a electronic key (Fig. 2); a control unit (item 116) arranged in the vehicle to perform wireless communication (received through antenna item 112) with the electronic key; an input device (items 130a-c seen in figure 2) for inputting identification information such as a PIN (see column 21 line 56 – column 22 line 12) arranged the vehicle to input identification information. Walter teaches receiving signals from a transmitter to unlock/lock the truck for example and further teaches in column 8 lines 8-13 the signal may be automatically changed to even further enhance security. While this operation is performed in the processing unit of Walter one of ordinary skill in the art would clearly recognize Walter contains appropriate circuitry and or software to properly verify the signal transmitted. Walter provides a teaching of (column 5 line 59 – column 6 line 47) generating restriction output to accessories when the input identification information matches the pre-registered identification information, while this operation is performed within the processing unit in Walter and not in a separate restriction information generation device one of ordinary skill in the art at the time of the invention could realize the internal operation of the processing unit of Walter in a separate device in order to reduce the complexity and cost of the processing unit. Walter teaches a second verification device (as applicant submit the smart ECU also functions as a second

verification device page 16 lines 17-20 of the specification Walter also uses item a processing unit see column 21 where Walter teaches the use of a secret number transmission and verification) arranged in the control unit (item 116) and storing reference specific code, wherein the second verification device compares specific code registered in the electronic key with the reference specific code; and a restriction control device (as applicant submit the smart ECU also functions as a restriction control device page 16 lines 20-25 of the specification Walter also uses item a processing unit item 116 in a similar fashion to generate output signals designated A and B see in Fig. 1 further see column 5 line 59 – column 6 line 47) for restricting the operation designated by the operation restriction information when the specific code matches the reference specific code. Walter does not teach the use of a communication circuit arranged in the vehicle to output a request signal. Papp teaches the use of a request signal column 2 lines 20-30. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Walter to use a request signal sent from the controller to confirm the proper signal is sent from the electronic key.

With respect to claim 11 and 13 Walter teaches the electronic key system includes a master key (see Fig. 2 when the connector is inserted into the receptor) and a sub-key (see Fig. 2 when the connector is not inserted into the receptor), which is used in lieu of the master key

With respect to claims 9 and 14 Walter teaches the electronic key has an ID code and outputs the ID code by means of wireless communication. Papp teaches when receiving the request signal, and the restriction control device unlocks a door of the

vehicle when the door of the vehicle is locked and the received ID code is an authorized one.

Claims 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walter (U.S. Pat. No. 6,275,141) in view of Papp (U.S. Pat. No. 6,980,086) and further in view of Nagao et al. (U.S. Pat. No. 6,376,930)

Walter does not teach the pre-registered identification information is an pre-registered distinctive bodily feature, and wherein the first verification device compares the distinctive bodily feature detected by the individual identification device with the pre-registered distinctive bodily feature to determines whether the detected distinctive bodily feature matches the pre-registered distinctive bodily feature. Nagao teaches the identification and recognition of fingerprint information which is seen a distinctive bodily feature. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Walter to include the use of biometric data or distinctive bodily feature in order to further enhance security.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Enoyoshi (U.S. Pat. No. 6,683,391) teaches a vehicle security system and restriction method which utilizes master and sub-keys

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Rutland-Wallis whose telephone number is 571-

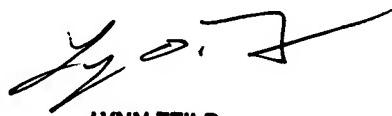
Art Unit: 2835

272-5921. The examiner can normally be reached on Monday-Thursday 7:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MRW



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